

FILED *LR*

OCT 29 2003

LARRY W. PROPPS, CLERK
CHARLESTON, SC

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

FRIENDS OF THE EARTH, INC., and
CITIZENS LOCAL ENVIRONMENTAL
ACTION NETWORK, INC.,

Plaintiffs,

vs.

GASTON COPPER RECYCLING
CORPORATION,

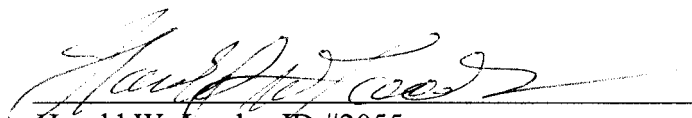
Defendant.

Civil Action No. 3:92-2574-0

**DEFENDANT'S MOTION TO
STRIKE**

Defendant moves pursuant to Rule 7(b)(1) for an Order striking the Affidavits of Guy Jones, Edythe Long Shealy, Barry Dwayne Shealy and Judy Turnipseed attached to Plaintiffs' Reply Brief in Support of Their Motion to Amend Findings of Fact and Conclusions of Law and to Alter or Amend the Judgment with Regard to Their Standing on the grounds that Plaintiffs, by submitting the aforesaid Affidavits, have improperly attempted to open the record in this case without Order of the Court. This Motion is supported by the accompanying Defendant's Consolidated Response to Plaintiffs' Briefs on the Issue of Standing

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Harold W. Jacobs", is written over a horizontal line.

Harold W. Jacobs, ID #2055
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October 29, 2003
Charleston, South Carolina

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